

## **ORDINANCE 331-11**

### **AN ORDINANCE REGULATING PRIVATE ALARM SYSTEMS BY AMENDING TITLE 5 OF THE WEST BOUNTIFUL MUNICIPAL CODE TO INCLUDE CHAPTER 5.36, ALARM SYSTEMS.**

WHEREAS, the West Bountiful City Council recognizes a need to regulate the use of private alarm systems; and

WHEREAS, the West Bountiful City Council wishes to encourage alarm system users and alarm businesses to assume responsibility for maintaining the reliability and the proper use of private alarm systems, to reduce unnecessary police and fire emergency response to false alarms, and thereby protect the emergency response capability of the city from misuse; and

WHEREAS, the West Bountiful City Council recognizes the need to impose fines for excessive false alarms, and to establish a system of administration.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL CITY, THAT THE FOLLOWING BE ADOPTED IN WHOLE, ON THIS 20<sup>TH</sup> DAY OF SEPTEMBER, 2011:

#### **Chapter 05.36 ALARM SYSTEMS**

##### **Sections:**

**5.36.010 Purpose and Scope.**

**5.36.020 Definitions.**

**5.36.030 Alarm Provider Requirements.**

**5.36.040 Alarm User Requirements.**

**5.36.050 Alarm User Permit Application Information.**

**5.36.060 False Alarms; Fines.**

**5.36.070 Permit Revocation.**

**5.36.080 City Liability Limitations.**

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##### **5.36.010 Purpose and Scope.**

The purpose of this chapter is to encourage alarm system users and alarm providers to assume responsibility for maintaining the reliability and the proper use of private alarm systems, to reduce unnecessary police emergency response to false alarms, and thereby to protect the emergency response capability of the city from misuse.

This chapter governs intrusion and duress alarm systems; requires permits, licensure and registration; establishes a system of administration; and provides for the punishment of violations.

The provisions of this chapter shall apply to all alarm users, alarm providers, and alarm systems which are installed, connected, monitored, operated or maintained in the City.

##### **5.36.020 Definitions.**

**“Alarm Coordinator”** means an individual designated by the West Bountiful Police Department to issue permits and enforce the provisions of this chapter.

**“Alarm Provider”** means any individual, partnership, corporation or other entity engaged in the business of selling, leasing, servicing, maintaining, monitoring, repairing, replacing, moving, removing, planning the installation or assisting in the installation of any alarm system in the city.

**“Alarm System”** means any mechanism, equipment, or device which is designed to detect an unauthorized intrusion or entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal such occurrences by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:

- A. Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
- B. Devices which are not installed, operated or used for the purpose of reporting an emergency to the police department; and
- C. Alarm devices affixed to motor vehicles.

**“Alarm User”** means the person, occupant, homeowner, firm, partnership, association, corporation, company or organization of any kind in control of any home, building, structure or facility or portion thereof where an alarm system is maintained.

**“Duress Alarm”** means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

**“Emergency Responder”** means a police officer or other emergency service agency designated by the West Bountiful Police Department.

**“False Alarm”** means the activation of an alarm system which results in a response by an emergency responder where an emergency does not exist. It includes an alarm signal caused by conditions of nature, which are normal for that area and subject to control by the alarm provider or alarm user. "False alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature not reasonably subject to control.

**“Intrusion Alarm System”** means an alarm system signaling an entry or attempted entry into the area protected by the system. The alarm can be silent or audible.

#### **5.36.030 Alarm Provider Requirements.**

- A. It is unlawful for any person, partnership, corporation or association to own, manage, conduct or carry on the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, moving or removing, or causing to be sold, leased, installed, serviced, maintained, repaired, replaced, moved or removed in or on any building or other property within the City any device known as an intrusion or physical duress alarm system, or automatic dialing device connected to an answering service, unless there exists a current state license, granted and remaining in compliance with the provisions of the Utah Burglar Alarm Security and Licensing Act, UCA 58-65-102 et seq., as amended, or its successor.
- B. The name, address and license number or ID card number of the alarm provider must be registered with the City's alarm coordinator.
- C. No alarm provider shall install, connect, program, maintain or allow to be maintained or operated any device which automatically dials an emergency responder and then relays any pre-recorded message to report a robbery, burglary, intrusion or other emergency.

- D. Every alarm provider selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this chapter shall furnish the user with written instructions and training that provide information to enable the user to operate the alarm system properly and avoid false alarms. Written operating instructions and the phone number of the monitoring station, shall be maintained at each alarm site.
- E. Before installing any alarm system, the alarm provider shall notify the alarm user of this alarm ordinance and the City's alarm user permit requirements.
- F. An alarm provider shall notify the alarm coordinator of any alarm user who has canceled or otherwise terminated their alarm services with the alarm business.

#### **5.36.040 Alarm User Requirements.**

- A. Every alarm user shall have on its premises or in its possession an alarm user permit issued by the alarm coordinator. Such permit shall be issued upon filing by the user with the police department a completed alarm permit application as provided in the chapter. No fee will be collected for this permit.
- B. A separate permit shall be required for each alarm site.
- C. The permit application shall be submitted to the alarm coordinator prior to operation of the alarm system or prior to an existing system being taken over by a different alarm user or alarm company.
- D. The alarm user shall be responsible for the maintenance and operation of the alarm system.
- E. An alarm user permit shall continue in effect until there is a change in ownership of the alarm system, at which time the permit shall expire. Alarm permits shall not be transferable.

#### **5.36.050 Alarm User Permit Application Information.**

- A. An alarm permit application shall include the following information and shall be completed by the alarm user and submitted to the alarm coordinator prior to the operation of the system.
  - 1. The full name, address and telephone number of both the owner and lessee (if any) on whose premises the system will be installed, operated, connected, monitored or maintained.
  - 2. The name of the person or licensed alarm provider installing, monitoring, maintaining or servicing the system.
  - 3. The names, addresses and telephone numbers of three (3) individuals who may be contacted by the police officers responding to an alarm. The persons listed shall have authority to act for the alarm user in granting police officers access to any portion of the premises and shall be knowledgeable in the basic operation of the alarm system.
  - 4. The alarm permit shall contain such additional information as the chief of police shall reasonably deem necessary to properly identify and locate the alarm user, the alarm business installing, servicing, monitoring or maintaining the alarm system, and the persons to be contacted in the event of the filing of an alarm report.
  - 5. The alarm coordinator will furnish a copy of the alarm permit to the named licensed alarm provider that will be monitoring, maintaining and servicing the alarm system.
  - 6. The alarm user will notify the alarm provider and the alarm coordinator of any changes in names, addresses and telephone numbers of the individuals who may be contacted by police officers

responding to an alarm.

- B. All alarm permit applications and permit information relating to specific alarm sites shall be private records as defined under Utah Code, section 63-2-302(2)(d), or its successor, and protected records under Utah Code section 63-2-304(10), or its successor, and shall be held in strict confidence by the City and not disclosed except as required under the Utah Government Records Access and Management Act, Utah Code section 63-2-101 et seq., or their successors.

#### **5.36.060 False Alarms; Fines.**

- A. No person shall activate any intrusion or duress alarm knowing the same to be false.
- B. An alarm user shall be responsible for false alarms caused by any person having authorized access to the alarm site from the alarm user.
- C. The City is authorized to assess a fine against an alarm user for the activation of an intrusion or duress alarm which the emergency responder determines to be false. The fines shall be assessed as follows:
  - 1. No fine shall be assessed for the first three incidents of a false alarm within a twelve month period.
  - 2. A fine of fifty (\$50) dollars shall be charged for the fourth incident of a false alarm within twelve months.
  - 3. A fine of one hundred (\$100) dollars shall be charged for the fifth false alarm within a twelve month period.
  - 4. A fine of one hundred fifty (\$150) dollars shall be charged for the sixth, and all subsequent, false alarms within a twelve month period.
- D. The City is authorized to assess a fine against an alarm user when an emergency responder responding to an alarm is unable to contact any of the listed parties due to outdated or inaccurate information provided by the alarm user, or if the listed parties fail to respond to the scene within thirty (30) minutes of notice. Any such failure by an alarm user will be treated as if it were a false alarm for purposes of computing fines and considering permit revocation.
- E. All false alarm fines are due and payable within thirty (30) days of the date written notice is issued by the city.

#### **5.36.070 Permit Revocation.**

- A. An alarm permit may be revoked for any of the following reasons:
  - 1. An alarm user has more than six (6) false alarms at one address within a twelve (12) month period.
  - 2. An alarm user fails to pay an assessed false alarm fine within thirty (30) days of the date written notice is issued by the city.
- B. Upon permit revocation by the alarm coordinator, the city shall decline to respond to future alarms or may require the alarm system to be disconnected.
- C. Any alarm user, whose permit is revoked by the City and desires reinstatement, shall make application for a new alarm permit. Such new alarm permit shall not be issued until the alarm user pays:
  - 1. A reinstatement fee of one hundred (\$100) dollars; and
  - 2. Any unpaid false alarm fines assessed under the revoked permit.

#### **5.36.080 City Liability Limitations.**

The City shall not be liable for any defects in operation of intrusion or duress alarm systems, for any failure or neglect to respond appropriately upon the receipt of an alarm nor for the failure or neglect of any person registered or issued a permit pursuant to this chapter in connection with the installation, operation or maintenance of the equipment necessary to or incident to the operation of such system. In the event the city finds it necessary to order the system disconnected, the city shall incur no liability for such action.

**5.36.090 Violation; Penalty.**

Notwithstanding any other provision of this Chapter, failure of any person to comply with the requirements of this chapter constitutes a class B misdemeanor and shall be punishable as such by law.

By: \_\_\_\_\_  
Ken Romney, Mayor

*Attest:*

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Heidi Voordeckers, City Recorder